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SIPDIS

SENSITIVE
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SOUTHCOM ALSO FOR POLAD

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SUBJECT: PANAMA 2006 TIP REPORT

REF: A. 06 STATE 03836

- [1B.](#) 2005 HUMAN RIGHTS REPORT FOR PANAMA
- [1C.](#) 05 PANAMA 00608
- [1D.](#) 05 PANAMA 00959

SUMMARY

[11.](#) (SBU) During 2005 Panama continued its anti-TIP efforts and enforcement of Law 16, the anti-TIP legislation enacted in 2004. Embassy believes trafficking in Panama is overwhelmingly internal to the country and limited in scale. Panama worked closely with the International Labor Organization (ILO) to reduce trafficking. ILO produced books and pamphlets to educate the public on sexual exploitation and trafficking and the criminal penalties against them in Panama. ILO also provided instructional pamphlets for Panamanian migration officials on how to recognize trafficking victims. As a result of anti-TIP training provided by the U.S. Department of Justice for Panamanian judges, police, and attorneys, Panama has developed an Anti-TIP manual to aid their efforts against trafficking. The prosecutor's office responsible for TIP has asked the Embassy to arrange additional training. In December 2005, Panama received funding through the Embassy to renovate an existing TIP shelter, provide training for victim's assistance, and construct a new shelter for TIP victims. A foreign national who owns a club with female dancers was arrested and charged with procurement in May 2005. Although free on \$15,000 bail, he remains under investigation and is not allowed to leave Panama. The Government of Panama (GOP) continues its investigation of several Panamanian National Police (PNP) officers arrested in March 2005 for sexual abuse of minors in Darien Province. The "alternadora" visa for prostitutes remains legal, sometimes making TIP investigations difficult. The Attorney General, Ministry of Social Development, and Judicial Technical Police Sex Crimes

Unit are committed to stopping TIP but lack of funding often limits their efforts. The Attorney General also has vowed to eliminate the "alternadora" visa. End summary.

12. (SBU) In accordance with Reftel A, Panama is pleased to submit its 2006 Trafficking in Persons (TIP) report.

(U) Is the country a country of origin, transit, or destination for international trafficked men, women, or children? Specify numbers for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders?

(SBU) Embassy believes internal (verses international) trafficking is by far the most serious problem in Panama. The Embassy still estimates that approximately 125-375 children (both boys and girls), 75-125 women, and 0 men are trafficked in Panama. 95% of these persons are trafficked internally. International trafficking involves an estimated 10-25 persons per year in Panama. Several hundred Colombian women and a small number from the Dominican Republic come to Panama each year to work legally as prostitutes using "alternadora" visas. Panamanian consular officers have also assisted Panamanian citizens in Jamaica, Guatemala, and Mexico who were victims of trafficking.

13. (U) Does it occur in territory outside of the government's control (e.g. in a civil war situation)?

(SBU) The Darien province, a remote undeveloped region of Panama where the government has limited presence, has a high incidence of commercial sexual exploitation of children. The Darien province also contains semiautonomous indigenous areas where there are rumors of indigenous leaders offering indigenous girls for prostitution.

14. (U) Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

(SBU) Please see paragraph two for estimated numbers of trafficking victims in Panama. GOP has provided the Embassy with reliable statistics on arrests and prosecutions for TIP. The GOP also tracks arrests and deportation of illegal foreign prostitutes. As of December 2005, the GOP reported investigating seven cases of sexual trafficking, eleven cases of child pornography, and six cases of pimping. The International Labor Organization (ILO) publishes an annual report on sexual exploitation of children in Panama that is also considered a reliable source of information. The arrest in March 2005 of four high-ranking police officers in the Darien province for sexual abuse of minors was widely reported in the media. Based on statistics provided by the GOP and ILO/IPEC reports, female children are more at risk for trafficking than other groups.

15. (U) Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

(SBU) Probably 200-300 Panamanian women and children annually are trafficked into massage parlors and dancing establishments that also serve as brothels. Some women work in the streets as prostitutes. Children trafficked for

sexual exploitation are trafficked primarily in Panama City. Some of these children come from the remote Darien province to Panama City. Child domestic laborers are transported from the rural western provinces of Panama and work in households in the capital, Panama City. ILO studies also show women trafficked for sexual purposes have been offered opportunities to work as dancers in night clubs, accompany tourists to other countries, work as models, or to give massages. The majority of Colombian woman who work as prostitutes do so willingly using the alternadora visa and are not trafficking victims.

(SBU) Panama has the political will to tackle the problem but it is an issue that has only been addressed within the last two years and will require more time to eradicate. Panama enacted strong anti-TIP legislation in 2004 and a number of persons and agencies within the Government of Panama (GOP) are strongly committed to stopping trafficking. More funding and training for police and other agencies is needed to effectively counter TIP in Panama. Since the Panamanian court system needs on average two years to try and convict a case, no convictions under the 2004 Anti-Tip law have occurred. In March 2006, Panama will begin the trafficking prosecution of the owner of a bar that employed Colombian prostitutes. A conviction under the 2004 law would show a strong commitment to stopping TIP in Panama. The 2004 anti-TIP legislation called for a special tax on the rental, sale, and viewing of adult movies along with an airport departure tax to fund anti-TIP programs run by the National Committee for the Prevention of Sexual Crimes (CONAPREDES). However, the Ministry of Economy and Finance (MEF) has questioned the legality of this tax and no funds have been collected for CONAPREDES. The lack of funding makes it difficult to conduct investigations and prosecute persons involved in TIP. Also, the GOP reinstated the alternadora visa for prostitutes in 2005 despite the Attorney General's opposition. Since prostitution has been legal in Panama for many years there is resistance to eliminating what has become a source of business revenue. ILO reports cite traditional beliefs in Panama and other Central American countries that masculinity is tied to sexual activity, especially with young women. Citizens of most countries in the region - with the exception of Ecuador, Peru, and the Dominican Republic - do not require visas prior to traveling to Panama, making it relatively easy for the few international trafficking cases that the Embassy estimates to occur to enter Panama using normal transportation.

16. (U) What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

(SBU) The Government of Panama (GOP) has not adequately funded anti-TIP programs. Two examples of this lack of funding include the failure to approve a tax measure to fund CONAPREDES and the Public Ministry's lack of a specific budget for anti-TIP programs. The Judicial Technical Police (PTJ) Sex Crimes Unit works in a very crowded office that offers little privacy to interview victims. The Sex Crimes Unit also lacks funding for training, cars, computers, and aid to victims. Many of the anti-TIP resources are concentrated in or near the capital Panama City.

17. (U) To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

(SBU) Throughout the year, the GOP provided the Embassy with information on arrests and prosecutions for trafficking. At the end of 2005, the GOP published a report with detailed statistics on arrests for sexual trafficking, pimping, sexual tourism, and pornography with minors. The National Commission for the Prevention of Sexual Crimes (CONAPREDES)

held bi-monthly meetings to review all trafficking cases and further develop policies to eliminate TIP in Panama. The GOP fully cooperated with the Embassy in scheduling visits to officials involved in anti-TIP work during the preparation of the Human Rights Report, Trafficking in Persons Report, and a visit to Panama by G/TIP.

18. PREVENTION:

1A. (U) Does the government acknowledge that trafficking is a problem in that country? If no, why not?

(SBU) The GOP is aware of its trafficking problem and has enacted appropriate legislation. Several GOP officials - most notably the Attorney General and the TIP prosecutors - are strongly committed to enforcing the legislation. The lack of resources devoted to anti-TIP programs limits Panama's enforcement, investigation, and prosecution efforts.

1B. (U) Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

(SBU) The Attorney General is the President of CONAPREDES which is responsible for Panama's overall anti-TIP policy. CONAPREDES meets bimonthly to coordinate Anti-TIP policy. Other members of CONAPREDES include the Minister of Social Development (MIDES), Minister of Government and Justice (MOGJ), Minister of Economy and Finance (MEF), Minister of Health, Minister of Education, the President of the Child and Adolescent Courts, the Director of the Judicial Technical Police, the Ombudsman's Office, a representative of the National Network of Children and Adolescents, and a representative of the National Bar Association. MOGJ develops policies to reduce TIP, MIDES provides victim's protection and services, and the PTJ investigates and arrests persons involved in trafficking through their Sex Crimes Unit. The Public Ministry also has three prosecutors assigned to TIP cases.

1C. (U) Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

(SBU) CONAPREDES and the National Council of Reporters sponsored a campaign of radio and television commercials, posters, and newspaper ads dealing with commercial sexual exploitation of minors. One of the television ads showed a man being arrested at his dinner table in front of his family for having paid for sexual relations with a minor. The campaign has a definite shock value and was clearly targeted at businessmen who frequent "Gentlemen's Clubs" where prostitutes are readily available. The GOP in conjunction with the International Labor Organization (ILO) has produced a series of small books and pamphlets on sexual exploitation and trafficking. A public march took place on November 18, 2005 as part of the International Day to Eliminate Violence against Women. CONAPREDES also developed handouts about commercial sexual exploitation. These campaigns were aimed at the demand for trafficking victims.

1D. (U) Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

(SBU) The GOP sponsored several programs through the Ministry of Social development (MIDES) to reduce child labor, increase HIV awareness, and combat violence against women. The GOP received assistance from the UNHCR in assisting refugees in the Darien to develop income producing projects. Casa Esperanza, an NGO, operated education programs for the children of migrant workers to attend school. The GOP, ILO/OIT, and Casa Esperanza also conducted a campaign to stop child labor in Panama. UNICEF also provided Panama with maps showing the most common used routes used by traffickers of

children in Panama.

1F. (U) What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

(SBU) The GOP has worked closely with ILO, the International Organization for Migration (IOM), and the U.S. Department of Justice (DOJ) to provide training and education on TIP to government officials, members of the media, and the general public in Panama. In March, DOJ provided training to a group of Panamanian attorneys, judges, and police on TIP. In May, ILO held a workshop for 40 media representatives to educate them on trafficking and the importance of protecting the identity of victims. In July, IOM sponsored a seminar on trafficking in persons for representatives of the Public Ministry, CONAPREDES, and TIP prosecutors. Casa Esperanza, an NGO that works to eliminate child labor in Panama and aid at-risk children, sponsors an annual gala fund-raiser attended by many socially prominent Panamanians

1G. (U) Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

(SBU) Panama,s Immigration Directorate increased its efforts to stop the flow of illegal immigrants to and through Panama. The operations manual used by all Panamanian Public Forces contains instructions on identifying potential trafficking victims. The Ministry of Government and Justice (MOGJ) began planning to reorganize a portion of the Panamanian National Police (PNP) into a dedicated border security force to further counter illegal migration. DHS/ICE works closely with Panamanian Immigration on detection and investigation of alien smuggling and TIP.

1H. (U) Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi- agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

(SBU) Panama,s 2004 anti-TIP law (commonly referred to as Law 16) created the National Commission for the Prevention of Sex Crimes or CONAPREDES. CONAPREDES meets bimonthly to coordinate national policy on combating TIP. CONAPREDES has representatives from the principal government agencies in Panama to include the Attorney General,s office, the Panamanian National Police, the Ministry of Labor, the Ministry of Social Development, and the Ministry of Health. The Attorney General,s Office has an anti-corruption prosecutor. The Ministry of Economics and Finance has a special auditing division. The National Council for Transparency is headed by a Vice Minister for Anti-Corruption.

1J. (U) Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

(SBU) Panama,s national plan of action to combat TIP is based on public law and operating instructions for all Panamanian Public Forces. Panama,s anti-TIP law provides instructions for prevention and prosecution of TIP and also contains provisions for victim's protection. All branches of the GOP to include the National Police, Ministry of Health, Ministry of Social development, and the Attorney General,s office worked to develop Law 16. Casa Esperanza and Hogar Malambo (NGOs serving abused children) and churches in Panama were consulted during the development of this legislation. The GOP has developed an Anti-TIP Operations Manual for police, judges, and prosecutors. The GOP distributed copies of this manual to all the appropriate agencies.

19. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

1A. (U) Does the country have a law specifically prohibiting trafficking in persons - both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

(SBU) The March 2004 anti-TIP law modified the penal code by adding an additional chapter (Book II, Title VI, Chapter IV, Sections 231-231(I)) that created the specific crimes of sexual trafficking, sexual tourism, and pornography with minors. The March 2004 anti-TIP law also toughened Penal Code provisions for corruption of minors, commercial sexual exploitation of adults and minors, and pimping (Book II, Title VI, V Chapter III, Sections 226-230).

(SBU) Sections 310 and 310-A of the Penal Code Book II, Title IX, Chapter III also make it a punishable crime to be part of an international drug or people trafficking ring or to smuggle people with their consent in contravention of immigration laws. Section 310 also provides for penalties for violations of human rights under international conventions signed by Panama, but the Supreme Court has declared this provision unconstitutional. In practice, sections 310 and 310-A are applied in cases of international human smuggling. Article 215D of the penal code penalizes the use or inducement of minors for pornography or immoral, prohibited, dangerous, or unhealthy work. Penal Code Book II, Title II, Chapter III Sections 151 and 152 criminalizes depriving a person of liberty.

(SBU) These laws cover the full range of TIP crimes but the GOP continues its efforts to improve the anti-trafficking laws. During 2006, new provisions to the Panamanian Migratory Law will be proposed. These proposals include:

- Sanctions for those persons who facilitate or promote the entrance into Panama of foreigners that work in commercial sexual activities.
- Prohibiting the entrance or transit through Panama of traffickers or persons who have trafficked persons, as well as persons who have been registered for committing crimes related to trafficking and sexual exploitation.
- The abolishment of the alternadora visa for sex workers.

1B. (U) What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

(SBU) Section 228 penalizes sexual exploitation with 4-6 years of prison and 8-10 years of prison when the victim is a minor. Section 231 penalizes sexual trafficking with 5-8 years of prison and 8-10 years when the victim is a minor. Section 310 sets the penalty at 10-15 years of prison and Section 310-A sets it at 5-10 years. Sections 151-152 provide for 6 months to 6 years imprisonment. Section 215D provides for 2-6 years imprisonment.

1C. (U) What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

(SBU) Under Penal Code Book II, Title VI, Chapter I Sections 216-218, rape is punishable by 3 to 10 years in prison.

Under section 219, statutory rape with a minor age 14-18 is punishable by 1-6 years in prison. The penalties for rape in some cases are less than those for trafficking.

1D. (U) Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

(SBU) Prostitution is legalized and regulated. The minimum age to work as a prostitute is 18.

1E. (U) Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

(SBU) In 2005, the GOP investigated seven cases of trafficking and made six arrests. As of the date of this report, two of the cases remain under investigation, three are awaiting trial, and the charges were dropped in one of the cases. An owner of a massage parlor will have his preliminary court hearing on trafficking charges in March 12006.

1F. (U) Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

(SBU) Independent dance clubs, massage parlor owners, brothel owners, and persons with ties to the drug trade are behind Panama's internal trafficking problem. Most profits appear to go directly to traffickers. GOP investigators report that taxi drivers look for customers for child sexual exploitation in Panama City. The Darien prosecutor suspects an indigenous leader may be involved in trafficking indigenous girls. The Darien prosecutor also links commercial sexual exploitation to drug traffickers. There are no indications that employment, travel, tourism, marriage brokers, or government officials are involved in trafficking.

1G. (U) Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

(SBU) The government actively investigates cases of trafficking. The anti-TIP law allows cases to be automatically investigated without a formal complaint. The March 2004 anti-TIP law provides for use of wiretaps, monitoring of emails and internet use, and undercover operations in appropriate cases. Lack of police resources limits the ability of the police to carry out undercover and wiretapping operations. A Public Ministry official told of a prosecutor in a small town using his personal vehicle to try to investigate trafficking. Many people in the town recognize the vehicle, making it impossible to do effective

investigations. The PTJ Sex Crimes Unit has 20 officers but only three are assigned to investigate TIP.

1H. (U) Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

(SBU) In 2005 the GOP conducted a series of training events for GOP Officials who deal with TIP:

In March, the United States Department of Justice provided anti-TIP training to a group of Panamanian attorneys, judges, and police. An outcome of this conference was the publishing of the first anti-TIP manual for police, prosecutors, and judges.

In June, ILO/OIT sponsored a seminar & Commercial Sexual Exploitation against Minors: New Legislation, Advances, and Challenges.⁸

In July, the Ministry of Government and Justice (MOGJ) in conjunction with IOM held a seminar on TIP for members of the Public Ministry, the Attorney General, and TIP prosecutors.

1I. (U) Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

(SBU) Panama is part of several regional initiatives to develop cooperative anti-TIP measures. A Regional Conference on Migration in Central America in October 2005 developed a common format for the exchange of information on TIP cases among the seven countries in the region. This conference also agreed to a weekly exchange of information on the use of false passports to help identify new patterns in regional TIP. Panama also plans to adopt a UNICEF protocol for the return of minor TIP victims to their country of origin.

1J. (U) Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

(SBU) The March 2004 anti-TIP law provides for extradition in cases of sexual trafficking. However, Panama's constitution specifically prohibits the extradition of its own nationals. The GOP has no plans to amend its constitution.

1K. (U) Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

(SBU) In March 2005, several members of the Panamanian National Police (PNP) in Darien Province were arrested on charges of sexual abuse of minors. These cases still remain under investigation by the Public Ministry and PNP. See reftel B C and 2005 HRR.

1L. (U) If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

(SBU) The cases of PNP members arrested in Darien Province in March 2005 remains under investigation. See reftels B C, 2005 HRR.

1M. (U) If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the

country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

(SBU) Panama does not have an identified child sex tourism problem. The March 2004 anti-TIP law criminalizes child sex tourism. (Penal Code Book II, Title VI, Chapter IV, Section 231-G). In September 2005, the PTJ made an arrest for sexual tourism and the case remains under investigation. Under Panama's anti-TIP law, hotels are required to include a warning about TIP in their contracts.

11N. (U) Has the government signed, ratified, and/or taken steps to implement the following international instruments?

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

--ILO Convention 29 and 105 on forced or compulsory labor.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

Please provide the date of signature/ratification if appropriate.

(SBU) Yes, Panama has signed and ratified all pertinent international instruments:

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor:

Ratified on June 15, 2000. Deposited in Geneva on October 31, 2000

--ILO Convention 29 and 105 on forced or compulsory labor: Ratified in 1930

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography: Signed on October 31, 2000 and ratified on February 9, 2001

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime: Signed on December 13, 2000 and ratified July 7, 2004

110. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

11A. (U) Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can you provide the number of victims placed in these care facilities?

(SBU) The GOP provides legal, medical, and psychological services for TIP victims. Funding for these programs remains limited. Panama's anti-TIP law allows CONAPREDES to collect a special tax on the sale and rental of adult videos to pay for assistance to TIP victims. The GOP however has not decided on how to collect the tax. MIDES has a shelter and NGO Casa Malambo provides additional shelter space and services. MIDES recently received a \$126,000 ESF grant to refurbish an existing MIDES shelter and build a new shelter at Casa Malambo to assist TIP victims. MIDES also places TIP victims with foster families. The Technical Judicial Police (PTJ) is responsible for providing protection and necessary attention to trafficking victims. PTJ operates a Victim's

Attention Center that has an interdisciplinary team of medical professionals, social workers, and lawyers that provide the attention and counseling TIP victims require. Immigration, the PNP, and the PTJ Sex Crimes Unit have hotline numbers where victims can report crimes and seek necessary services.

1B. (U) Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

(SBU) MIDES works with 43 NGOs that assist various disadvantaged sectors of the Panamanian population. MIDES provided \$160,000 in funding to Casa Malambo in 2005. Casa Malambo operates a shelter used by TIP victims and will construct a new shelter with a \$50,000 grant it recently received. Additionally, MIDES continues to provide 1% of the budget for NGO Casa Esperanza. Casa Esperanza operates 41 centers throughout Panama that provide pre-school programs, after school care, and classes on parenting.

1C. (SBU) Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

(SBU) The PTJ Victim,s Attention Center has a team of doctors, social workers, and lawyers that work together to identify trafficking victim's needs. The PTJ Victim,s Attention Center as well as the Public Ministry and Ministry for Social development (MIDES) ensures victims are moved to NGO Shelter Hogar Malambo when appropriate.

1D. (U) Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

(SBU) The rights of victims are respected and they are not treated as criminals. Panama,s anti-TIP law specifically states that TIP victims are not/not responsible for immigration, prostitution, or other crimes that are a direct result of trafficking. Victims who identify themselves are not jailed. If a victim commits a non-related crime or is awaiting deportation, then the jail time will vary depending on the circumstances.

1E. (U) Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

(SBU) The GOP encourages victims to assist in the investigation and prosecution of traffickers. Under Panama,s anti-TIP law, victims do not need to file a formal complaint to initiate an investigation. Nevertheless, a victim may still file a complaint (querella) which gives them the right to investigate and present proof in the case. Victims may file civil suits but civil court cases in Panama are usually lengthy and expensive.

Under the March 2004 anti-TIP law, courts should order repayment to victims for the cost of medical and psychological treatment, the costs of physical rehabilitation, costs of transportation, housing, child care, lost income, attorney fees, and emotional distress. Victims who leave the jurisdiction do not lose the right to this repayment. Victims are permitted to leave Panama. Victims may also seek employment if they have the legal right to work.

1F. (U) What kind of protection is the government able to provide for victims and witnesses? Does it provide these

protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

(SBU) The March 2004 anti-TIP law specifically requires the GOP to provide protection to TIP victims of sexual trafficking. The Ombudsman's Office and MIDES must provide legal assistance to anyone (including NGOs) who makes a complaint in these cases. The anti-TIP law also requires prosecutors and courts to identify victims in TIP criminal cases in order to provide victims with service and protect the victim from traffickers. The law specifically requires officials to provide special protection to victims and their families from threats, reprisals, and intimidation. The Attorney General's Office is also required to adopt measures so that the victim can consult regarding the plan. In practice, the GOP does provide these services. MIDES uses Casa Hogar, a MIDES operated shelter and Casa Malambo, an NGO funded shelter. Last year the GOP provided \$160,000 to Casa Malambo. MIDES also places victims with foster families. Since Panama is a small country with few shelters, protecting victim identity and location information can be difficult.

1G. (U) Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

(SBU) The United States Department of Justice provided anti-TIP training to a group of Panamanian attorneys, judges, and police. An outcome of this conference was the publishing of the first anti-TIP manual for police, prosecutors, and judges. DHS/ICE officials continue to provide informal training to customs inspectors on identifying potential victims of forced child labor, commercial sexual exploitation, and child labor.

CONAPRADES in conjunction with the National Council of Journalists held a seminar in June 2005 on commercial sexual exploitation for members of the media. The sessions focused on the damages to victims resulting from TIP and the need to provide identity protection to victims. In a country where newspapers frequently print names, addresses, and national identification numbers ("cedula") of accident and crime victims, withholding victim's identities is a major change in how the media operates.

In August 2005, the Ministry of Government and Justice (MOGJ) held a day long strategy session for CONAPREDES, TIP prosecutors, the Attorney General's office, the Judicial Technical Police, and the Public Ministry. The training focused on international mechanism to combat TIP.

The Government of Spain sponsored four seminars on victim's protection for judges and members of the Public Ministry.

Panamanian consular officers assisted Panamanian TIP victims in Mexico, Guatemala, and Jamaica.

1H. (U) Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

(SBU) The GOP is not aware of any TIP victims returning to Panama this year who were in need of assistance.

1I. (U) Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, a lack of political will to address the problem should be noted as well.

(SBU) The GOP, NGOs, and international organizations have a strong partnership. MIDES works with 43 separate NGOs and it would be difficult to mention all of them. Casa Malambo provides a shelter for TIP victims and with the recent ESF grant will increase its services. ILO/IPEC specializes in aiding minors who are victims of sexual exploitation and child labor. Nueva Era en Salud works with sex workers. FUNDAMUJER provides legal assistance to TIP victims. The following NGOs, while not having specific TIP programs, sponsor victim assistance programs: Casa Esperanza (education/housing/nutritional service for minors); Hogar Luisa McGrath (assists victims of incest and rape); Mujeres Coloneses en Camino (women's assistance programs); The Support Center for Abused Women (Camm) operates a privately funded shelter and provides informational sessions on victim's rights. There are other NGOs with similar programs that provide education, nutrition, health, counseling, and psychological services.

11. (U) TIP HEROES: For the past two TIP Reports, the TIP Report's introduction has included a section honoring Anti-Trafficking "Heroes" who came to G/TIP's notice during the preceding year as individuals or representatives of organizations that demonstrate an exceptional commitment to fighting TIP. Department would encourage post to nominate such individuals for inclusion in a similar section of the 2006 Report. Please submit under subheading of "TIP Hero(es)," a brief description of each individual or organization's work, and note that the appropriate individual(s) have been vetted through databases (e.g. CLASS and any law enforcement systems) to ensure that they have no visa ineligibilities or other derogatory information.

(U) Embassy nominates Panama's Attorney General Ana Matilde Gomez and NGO Hogar Malambo as TIP heroes. Gomez serves as president of CONAPREDES, the organization that oversees Panama's national anti-TIP efforts. Gomez continues to ensure that Panama takes TIP seriously and has spoken out against Panama's "alternadora" visa program. The Public Ministry staff under her supervision developed Panama's first anti-TIP manual for use by police, prosecutors, and judges. In March, Panama will begin its first TIP prosecution under the 2004 anti-TIP law. Gomez already has a U.S. visa and plans to travel to Washington in May on a NAS funded project. Hogar Malambo, a children's home founded in 1890, provides shelter for TIP victims in Panama. Besides TIP victims, Hogar Malambo also cares for abandoned and abused children, some of whom suffer from AIDS. Seven nuns, 70 employees, and volunteers create a warm and caring environment for 160 children in 8 small group homes. Hogar Malambo will receive \$50,000 of GTIP ESF funds award to construct a new shelter for TIP victims.

12. (U) BEST PRACTICES: For the past three years the Report has carried a section on "Best Practices" in addressing TIP. This section highlights particular practices used by governments or NGOs in addressing the various challenges of TIP and serves as a useful guide to foreign governments and posts as they design anti-TIP projects and strategies. The Department encourages post to nominate "best practices" seen in your country for showcasing in the 2005 report. Please submit, under a "Best Practice" subheading, a brief summary of the activity or practice, along with the positive effect it has had in addressing TIP.

(SBU) "Best Practices - Panama": TIP victim's assistance programs in Panama are funded by a tax on rental, viewing, and purchases of adult videos. Although the details on how this tax will be collected are still in the formulation stage, it appears to be a simple and logical way to raise money for victim's assistance. Other countries with TIP

problems might consider a similar program.

¶13. (U) Embassy point of contact for TIP issues is Richard J. O'Shea, Political Section, (011-507-207-7183, oshearj@state.gov). Embassy estimates 65 hours were spent preparing this report. Members of the Embassy's TIP working group spent an additional eight hours reviewing this report.
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